

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1983

No. 81-1330
COURT OF APPEALS SIXTH CIRCUIT

No. 80-71597
DISTRICT COURT NUMBER

RECEIVED

AUG 31 1983

OFFICE OF THE CLERK
SUPREME COURT, U.S.

825375

WILLIS W. CHAPMAN, Appellant

v

BANK OF COMMONWEALTH and FORD
MOTOR COMPANY'S LINCOLN-
MERCURY DIVISION, APPELLEES

JURISDICTIONAL STATEMENT

WILLIS W. CHAPMAN
8590 Greenfield Rd. #14
Detroit, Michigan 48228
313 255-6770 Off.
313 584-7659 Res.

In Pro Per

MATTHEW A. SEWARD
561 East Jefferson Ave.
Detroit, Michigan 48226

WILLIAM A. ZOLBERT
THE AMERICAN ROAD, ROOM 1092
Dearborn, Michigan 48121

TABLE OF CONTENTS

	Page
CERTIFICATE OF SERVICE	Flyleaf
TABLE OF CONTENTS	
TABLE OF AUTHORITIES	
JURISDICTIONAL STATEMENT	1-3
CHIAPPY'S SERVICE AND SALES, INC. (Financial Statement)	
APPENDIX (A) Opinion and Order Denying Plaintiff's Motion for Appointment of Counsel	
APPENDIX (B) Order of Summary Judgment	
APPENDIX (C) Order Denying Motion for Rehearing	
APPENDIX (D) Order Denying Motion for Appeal (Sixth Circuit)	
APPENDIX (E) Order Denying Motion for Rehearing en banc	
APPENDIX This Court may rely on any and all records and a request is made to have the Appeal Heard on the ORIGINAL RECORDS.	

TABLE OF AUTHORITIES

CIVIL RIGHTS ACT 1866
 COMMUNITY RE-INVESTMENT ACT 1977
 ELLIOTT-LARSON CIVIL RIGHTS ACT 1977
 EQUAL CREDIT OPPORTUNITY ACT
 EQUAL EMPLOYMENT OPPORTUNITY ACT
 FEDERAL DEPOSIT INSURANCE CORPORATION
 COMPTROLLER OF THE CURRENCY
 FEDERAL RESERVE BOARD REGULATION "B"
 FEDERAL HOME LOAN BANK BOARD
 FEDERAL TRADE COMMISSION RESOLUTION FILE #7610083
 UNITED STATES CONSTITUTION - SIXTH & FOURTEENTH AMENDMENT
 FEDERAL STATUTES 28 USC S 1257,
 TITLE VIII OF THE CIVIL RIGHTS LAW, 1968

CASES

JURISDICTIONAL STATEMENT (cases)
 JONES VS MAYER 392 USA 409 1968
 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION VS MacMILLAN BLOEDEL
 CONTAINERS, INC. 503 F.2d 1086, 1993-94 (6th Cir.1974
 BONN ALUMINUM & BRASS CORP. VS STORM KING CORP. 303 F2d 424,
 427 (6th Cir. 1962)
 U.S. VS SUMMER ADVERTISING AGENCY, INC. SA-78 CA 199 (W.D.
 Tr. Sept.22,1978)
 S.J. GROVES & SONS CO. VS OHIO TURNPIKE COMMISSION, 315 F
 2d 235, 237(6th Cir), cert.denied, 375 U.S. 84 S. Ct.65, 11 L.Ed.

JURISDICTIONAL STATEMENT

The final ORDER of the SIXTH CIRCUIT COURT OF APPEALS DENYING APPELLANT'S MOTION FOR REHEARING, EN BANC, entered in this action on July 12, 1983, and hereby Appeals from the final ORDER of the UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION entered in this cause on April 6, 1981, whereby it was adjudged that the Appellant's cause of action be dismissed, by way of Appellees' ENTRY OF ORDER OF SUMMARY JUDGMENT.

The OPINION MISAPPREHENDS THE FACTS, in the OPINION and Judgment of the Lower Court and the Appeals Court based upon "lack of requisite qualifications,".

AN EXTRA JUDICIAL OPINION was given on a QUESTION that was not necessary to decide in the case in which it was given (Warner vs the Uncle Sam 9 Cal. 697,732, on a point which was not then the point in question, or a proposition generally expressed, and which the case, or the circumstances of the case did not call for, or an opinion on a point which was not the point argued before the Court by the Appellant based upon the Complaint. The Court pronounced its Judgment on an opinion not called for by the Complaint and which was unnecessary to give. (Bellingham Bay Impr. Co. vs New W Whatcom 20 Wash.53, 58. 54.)

QUESTIONS: SPECIFIC PERFORMANCE and Credit Discrimination

1. Appellee BANK OF COMMONWEALTH, refused to sell to Appellant, refused to NEGOTIATE OFFER TO PURCHASE which was based upon Appellee's price and terms, (Elliott-Larson Civil Rights Act 1977), (Jones vs Mayer 392 U S A 409 (1968), (Civil Rights Act 1866)

(a) Appellee (Bank) refused to accept a SBA Loan application. (Equal Credit Opportunity Act), (Community Reinvestment Act 1977), the FEDERAL RESERVE BANK OF CHICAGO INVESTIGATED THE (Bank) in Jan. 1983 because of the many complaints filed based upon the pattern of Discrimination, based upon the (Bank's) Mortgage Disclosure Statement, this QUESTION was one of Appellant's Interrogatories.

QUESTION: Application for Employment

1. Appellee FORD MOTOR COMPANY'S LINCOLN-MERCURY DIVISION, refused to mail application for employment to Appellant.

Appellant has requested an application for employment since 1968, and Ford Motor Company's Lincoln-Mercury has never mail an application to Appellant, Appellee refused to give franchise application also refused to give dealer development application, (Equal Employment Opportunity Act,) 42 U S C Section 1981 Equal

cont.

Employment Act May 31, 1870), (Civil Rights Act 1866), Appellant asked Ms. Cindy Stasek on Dec. 14 1979, for an application for a franchise also Appellant asked Mr. Frank H. Gibbs on Dec. 16, 1979 for an application for a franchise, sale agreement, on Dec. 19, 1979 Ms. Cindy Stasek said the franchise was not available, on Dec. 28, 1979 Mr. Wayne Smith said that he could not show property until after Feb. 4, 1980; on Jan. 28, 1980 Mr. Frank Gibbs said he would send the franchise sale agreement, on Feb. 19, 1981 Ms. Cindy Stasek filed a Affidavit par. 3 " on January 31, 1980, I received a telephone call from a party identifying himself as Willis Chapman". The first time Appellant contacted Ms. Cindy Stasek was Dec. 14, 1979, regarding a franchise sale agreement application, of which Appellant has never received as of this date Aug. 24, 1983

The question sought to be reviewed were raised in the Court of first instance was as follows:

1. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION ----- COMPLAINT pg. 1-4
2. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION ----- Appellees' MOTION TO DISMISS and AFFIDAVIT OF CYNTHIA STASEK par. 3.4.
3. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION ----- TRANSCRIPT March 16, 1981 pg. 14 par. 14- pg. 8 par 13.
4. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION ----- Appellant's ANSWER TO and OPPOSITION TO ENTRY OF ORDER OF SUMMARY JUDGMENT pg. 1 no application was sent to Appellant
5. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION ----- MOTION FOR REHEARING pg. 2 par. 3(a)(b)
6. UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT -- -- BRIEF and APPENDIX FOR APPELLANT pg. 1 par. 2(a)(b) of the STATEMENT OF QUESTIONS INVOLVED also BRIEF FOR APPELLANT pg. 1 par. 1 also ARGUMENT pg. 1-2
7. UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT -- -- APPELLANT'S REPLY BRIEF TO APPELLEE'S BRIEF OF BANK OF COMMONWEALTH ----- pg. 1-4 to 4-4 also APPELLANT'S REPLY BRIEF TO APPELLEE'S BRIEF OF FORD MOTECH COMPANY pg. 1-5 to 5-5
8. UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT -- -- MOTION FOR REHEARING EN BANC --TOTAL

JUDICIAL POWER, The term " JUDICIAL POWER" DOES NOT NECESSARILY INCLUDE THE POWER TO HEAR AND DETERMINE A MATTER THAT IS NOT IN THE NATURE OF A SUIT OR ACTION BETWEEN PARTIES. (Decamp v Archibald, 50 Oh. St. 618. 625. 35 NE 1056. 40 AMSR 692. In re Patton, 83

cont:

Nebr. 636. 120 NW203. 205. 23 LRANS 1173

A statement of the reason why the questions presented are so substantial, because DISCRIMINATION OCCURED BEFORE AN APPLICATION WAS FILED, also The Opinion Misapprehends the Facts.

Because Appellant believes that said decision is contrary to his legal rights in that:

1. It deprives the Appellant of the rights secured to him by the Constitution of the United States. (13 Amendment)

2. It deprives the Appellant of the rights secured to him by the Community Re-investment Act 1977

3. It deprives the Appellant of the rights secured to him by the 42 U S C Equal Employment Act 1866

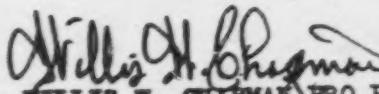
4. It deprives the Appellant of the rights secured to him by the Equal Credit Opportunity ACT

5. It deprives the Appellant of the rights secured to him by the Elliott-Larson Civil Rights Act of 1977

6. It deprives the Appellant of the rights secured to him by the cause of action of Jones, Et. Ux vs Alfres H. Mayer Co. Et.
Al. 392 USA 409

Willis W. Chapman, Prays, That the ORDER OF SUMMARY JUDGMENT OF THE TRIAL COURT be Reversed and that a Judgment of no Cause of Action be Entered in Favor of Appellant, that a new trial be GRANTED.

Dated August 26, 1983


WILLIS W. CHAPMAN PRO PER
APPELLANT

8550 Greenfield Rd. #14
Detroit, Michigan 48228
313 584-7659 Res.
313 255-6770 Off.

IN THE
SUPREME COURT OF THE UNITED STATES

NO. 83-5375

WILLIS W. CHAPMAN
APPELLANT

VS

BANK OF THE COMMONWEALTH
FORD MOTOR COMPANY'S
LINCOLN-MERCURY DIVISION
APPELLEES

83-5375
RECEIVED

OCT - 4 1983

OFFICE OF THE CLERK
SUPREME COURT, U.S.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The Appellant, Willis W. Chapman, ask leave to file the Appeal without prepayment of costs and to proceed in forma pauperis. Appellant has previously been granted leave to so proceed in both the U. S. District Court and U. S. Court of Appeals. Appellant's

AFFIDAVIT

I, WILLIS W. CHAPMAN, being first duly sworn according to law, depose and say that i am the Appellant in the above-entitled case; that in support of my motion to proceed without being required to to prepay fees, costs or give security therefor, I state that because of my insolvency and poverty I am unable to pay the costs of said case or to give security therefor; and that I belive I am entitled to redress.

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of proceeding in this Court are true.

1. Yes, See attached w-2 form for 1982

(a) Commission only, CENTURY 21 DuFent Realtors Co. 18801 West
7 Mile Rd., Detroit, Michigan 48219

2. Yes, Rent is the source, out-of 12 months tenants paid only
\$980.00 which was 3 months rent.

3. No.

4. Yes, (joint tenants with full rights of survivorship) mother,
(See attached Affidavit)

5. Mother

I understand that a false statement or answer to any questions in this Affidavit will subject me to penalties for perjury.

Willis W. Chapman
Subscribed and sworn to before
me this - 30 - day of Sept. 1983

MY COMMISSION EXPIRES: 5/19/85

Willis W. Chapman

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1983

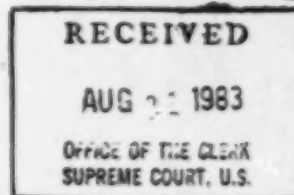
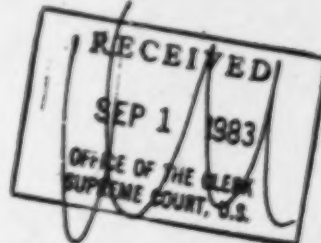
83-5375

No. 81-1330
COURT OF APPEALS SIXTH CIRCUIT

No. 80-71597
DISTRICT COURT NUMBER

WILLIS W. CHAPMAN, APPELLANT
v

BANK OF COMMONWEALTH and FORD
MOTOR COMPANY'S LINCOLN-
MERCURY DIVISION, APPELLEES



MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

WILLIS W. CHAPMAN, respectfully move the court for leave to proceed herein in FORMA PAUPERIS in accordance with the provision of TITLE 28, USC 1915

The AFFIDAVIT OF WILLIS W. CHAPMAN in support of this MOTION is hereto attached.

Willis W. Chapman
Willis W. Chapman pro per
APPELLANT

Date August 26, 1983

WILLIS W. CHAPMAN
8550 Greenfield Rd. #14
Detroit, Michigan 48228
313 255-6770 Off.
313 584-7659 Res.

(N)
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILIS W. CHAPMAN,

Plaintiff,

v.

Civil No. 80-71597

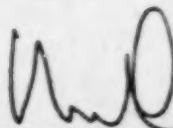
BANK OF THE COMMONWEALTH and
FORD MOTOR COMPANY'S LINCOLN-
MERCURY DIVISION,

Defendants.

OPINION AND ORDER DENYING
PLAINTIFF'S MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff has filed a motion for appointment of counsel. The motion was referred to the Magistrate who was unable to secure counsel for plaintiff. A hearing was held on November 17, 1980. For the reasons stated on the record, plaintiff's motion is DENIED.

SO ORDERED.



AVERN COHN
United States District Judge

DATED:

Nov 20 1980
Detroit, Michigan



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIS W. CHAPMAN,

Plaintiff,

v.

Case No. 80-71597

BANK OF THE COMMONWEALTH
and FORD MOTOR COMPANY'S
LINCOLN-MERCURY DIVISION

Honorable Avern Cohn

Defendants.

WILLIS W. CHAPMAN
In Pro Per

MATTHEW A. SEWARD (P 20241)
Attorney for Defendant,
Bank of the Commonwealth

WILLIAM A. ZOLBERT (P 23575)
Attorney for Defendant,
Ford Motor Company

U.S. DISTRICT COURT
EASTERN DISTRICT OF MICH.

Mar 30 3 26 PM '81

FILED

ORDER OF SUMMARY JUDGMENT

At a session of said Court held in the Federal
Building, Detroit, Michigan on APR 06 1981.

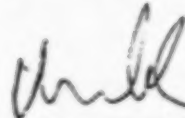
PRESENT: HONORABLE AVERN COHN
Federal Court Judge

This matter having come on by notice and motions for
Summary Judgment having been filed by defendant, Bank of the
Commonwealth, and by defendant, Ford Motor Company's Lincoln-
Mercury Division, and a response thereto having been filed by
plaintiff, Willis W. Chapman, and the Court having heard oral
argument presented in Court, having examined the entire file,
and being otherwise fully advised in the premises;

IT IS THE FINDING OF THE COURT, that the undisputed
facts, as demonstrated by Affidavits, Answers to Interrogatories
and all other pleadings in the file, are that the decisions made

by defendants, Bank of the Commonwealth and Ford Motor Company's Lincoln-Mercury Division, were in no way racially motivated; that the defendants each relied upon its business judgment in its dealings with plaintiff, without regard to the race of the plaintiff, and those business judgments were that neither defendant could do business with plaintiff because he lacked the requisite qualifications. Accordingly,

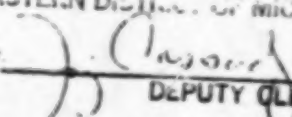
IT IS HEREBY ORDERED, that Summary Judgment of no cause for action be and the same hereby is entered in favor of defendants, BANK OF THE COMMONWEALTH and FORD MOTOR COMPANY'S LINCOLN-MERCURY DIVISION, and against plaintiff, WILLIS W. CHAPMAN.



HONORABLE AVERN COHN
Federal Court Judge

A TRUE COPY

CLERK, U. S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

BY  DEPUTY CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIS W. CHAPMAN,

Plaintiff,

v.

Civil No. 80-71597

BANK OF THE COMMONWEALTH
and FORD MOTOR COMPANY'S
LINCOLN-MERCURY DIVISION

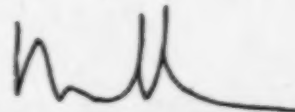
Defendants.

ORDER DENYING MOTION FOR REHEARING

Plaintiff has filed an answer to defendants' motion for entry of order of summary judgment. At the hearing on defendants' motion, held on April 6, 1981, the Court entered the proposed order. Plaintiff's answer, which deals with the substance of the motion for summary judgment heard on March 16, 1981 rather than the language of the proposed order, will be treated as a motion for rehearing under Local Rule 17(k).

For the reasons stated on the record at the April 6, 1981 hearing, plaintiff's motion for rehearing is DENIED.

SO ORDERED.

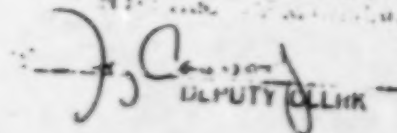


AVERN COHN
United States District Judge

DATED: APR 08 1981
Detroit, Michigan

A TRUE COPY

U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION



FILED

MAY 25 1983

JOHN P. HEHMAN, Clerk

RECOMMENDED FOR FULL-TEXT REPLICATION No. 81-1330

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

WILLIS W. CHAPMAN,

Plaintiff-Appellant,

v.

ORDER

BANK OF THE COMMONWEALTH and
FORD MOTOR COMPANY'S LINCOLN-
MERCURY DIVISION,

Defendants-Appellees.

BEFORE: JONES and WELLFORD, Circuit Judges, and TIMBERS, Senior Circuit Judge*

Plaintiff-appellant, Willis Chapman, appeals from an order of the district court granting summary judgment in favor of the defendants-appellees, Bank of the Commonwealth and Ford Motor Company, in this action alleging racial discrimination in the appellant's efforts to acquire a Detroit-based Lincoln-Mercury dealership. The district court found that all decisions made by the appellees had been based upon sound business judgment due to the appellant's lack of requisite qualifications and were not racially motivated. Accordingly, the court ruled, as a matter of law, that there had been no discrimination and that summary judgment in favor of both appellees was appropriate. We agree.

In 1979, the Bank of the Commonwealth began mortgage foreclosure proceedings on a parcel of property in Detroit, Michigan, then owned by Mulligan Lincoln-Mercury. The bank's title became absolute on February 4, 1980.

* The Honorable William H. Timbers, United States Court of Appeals for the Second Circuit, sitting by designation.

In December 1979, Chapman began to inquire into the possibility of taking over the Mulligan dealership. He claims that he contacted bank personnel regarding the asking price for the property and was told that the property would be sold for \$300,000. The plaintiff claims he was then referred to Ford Motor Company's Lincoln-Mercury Division for dealership information.

Chapman alleges that he received conflicting answers regarding the availability of the Mulligan location and that he continued to pursue the possibility of being appointed as the replacement dealer there. Chapman claims that Ford's Detroit district sales manager for the Lincoln-Mercury Division, Frank Gibbs, refused to send a dealership application form to him. In late January 1980, Chapman was informed by Ford that, due to the then-current economic conditions, Ford did not intend to fill the Mulligan location. By February 1981, at the time of the summary judgment motions in this case, the Mulligan location had been eliminated. In addition, it is undisputed on the record that there has been no appointment of a new Lincoln-Mercury dealer in the City of Detroit since 1972.

On February 7, 1980 the plaintiff, accompanied by a real estate agent, examined the Mulligan premises. That same day, plaintiff submitted an offer to purchase. Chapman's "offer" to the bank was essentially that the bank loan him \$500,000, \$300,000 for the purchase of the property and \$200,000 for the operation of the dealership. The offer provided for no money down, with \$50 to be forwarded to the bank as earnest money.

On February 20, 1980, the offer was orally rejected. On February 25, 1980, the bank sent a letter to Chapman's real estate agent returning the offer to purchase and formally rejecting the plaintiff's offer. A second letter, dated March 25, 1980, more fully elaborated upon the bank's reasons for rejection, indicating that the plaintiff was not financially qualified for the loan requested in the offer to purchase.

The plaintiff filed the instant complaint, claiming that racial discrimination was the sole basis of the bank's "refusal to negotiate the offer to purchase" and Ford's "refusal to consider him for a dealership." Both appellees answered that their decisions had been solely motivated by legitimate business concerns and both filed affidavits to that effect along with motions for summary judgment. Chapman filed no affidavits, but responded by simply attacking the veracity of those filed by the appellees and reasserting his allegations of discrimination.

These affidavits, along with the pleadings and some limited amounts of discovery materials, comprise the record before the district court in ruling upon the summary judgment motion. The appellant's own discovery responses established that he had not filed a state or federal income tax return for the years 1975 through 1979, that he did not maintain any business or personal bank accounts of any kind, and that he had not been gainfully employed since March 1976.

The standard under which this Court is to review the grant or denial of a summary judgment is the same as that to be applied by the district court in the first instance. Wright & Miller, Federal Practice and Procedure §2716. There must be no genuine issue as to any material fact and the moving party must be entitled to judgment as a matter of law. Rule 56, Federal Rule of Civil Procedure (FRCP); New Jersey Life Co. v. Getz, 622 F.2d 198 (6th Cir. 1980). Our review of the record before the district court, including all materials properly filed for consideration in the context of a summary judgment motion, reveals that the appellant failed to properly raise any material issue of fact which would prevent the grant of such a motion in this case.

The appellant alleged no more in his complaint than that he was denied credit and the opportunity to run the Mulligan dealership, and that he is black. Standing alone, those allegations fall to warrant a finding of racial motivation. See, e.g., Gatling v. Atlantic Richfield Co., 577 F.2d 165 (3d Cir. 1978), cert. denied, 439 U.S. 861. All of the appellees' representations in their responsive pleadings, answers to interrogatories

and both affidavits, support their contention that their decisions with regard to the appellant were matters of sound business judgment. Upon review of the record before it, the district court found the appellees' claims to be true and found that their actions were properly justified.

In opposing the appellees' motion, Chapman needed to do more than merely rely on the pleadings to raise a material issue of fact. See First National Bank v. Cities Service, 391 U.S. 253, 289-90 (1968). The appellant failed to respond in any meaningful way to the motion and affidavits filed by Ford and the bank. Not only did the appellant fail to supply the court with affidavits, documents or discovery materials which indicate some factual support for the allegations in his pleadings, but his own responses to discovery undertaken by the bank support the business judgment justification offered by the appellees. In such instances, summary judgment is clearly proper. R. E. Cruz, Inc. v. Bruggman, 508 F.2d 415 (6th Cir. 1975).

Accordingly, the order of the district court is hereby AFFIRMED.

ENTERED BY ORDER OF THE COURT

John P. Hehman
Clerk

ISSUED AS MANDATE: JULY 20, 1983

COSTS: NONE

A TRUE COPY

Attest:

JOHN P. HEHMAN, Clerk

By Linda L. Brinson
Deputy Clerk

(B)
No. 81-1330

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

JUL 12 1983

JOHN P. HEHMAN, Clerk

WILLIS W. CHAPMAN,

Petitioner,

v.

ORDER

BANK OF THE COMMONWEALTH,
et al.,

Respondents.

BEFORE: JONES and WELLFORD, Circuit Judges, and TIMBERS,
Senior Circuit Judge*

The petitioner has filed a motion for a rehearing and suggestion for rehearing en banc in the above-styled case. A majority of the active Judges of this Court have not favored a rehearing en banc and the motion was, thus, referred to the original panel. Upon consideration of the petitioner's request, the panel has noted nothing of substance which was not carefully considered before issuance of the Court's order. Accordingly, the motion for rehearing is hereby DENIED.

ENTERED BY ORDER OF THE COURT

John P. Hehman
Clerk

* The Honorable William H. Timbers, United States Court of Appeals for the Second Circuit, sitting by designation.

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1983

83-5357

No. 81-1330
COURT OF APPEALS SIXTH CIRCUIT

No. 80-71597
DISTRICT COURT NUMBER

WILLIS W. CHAPMAN, APPELLANT
v
BANK OF COMMONWEALTH and FORD
MOTOR COMPANY'S LINCOLN-
MERCURY DIVISION, APPELLEES

AFFIDAVIT OF INDIGENCY

STATE OF MICHIGAN }
COUNTY OF WAYNE } ss

The undersigned, WILLIS W. CHAPMAN, being duly sworn
depose and says as follows:

1. That he is insolvent
2. That he worked one year six months since 1981
3. That his income was approximately \$6,000.00 dollars
during this time
4. That he own a vacant lot
5. That he do not own bonds nor stock
6. That he did not receive any other income.

Date August 26, 1983

Willis W. Chapman
Willis W. Chapman pro per
APPELLANT

Louis Jones
Subscribed and sworn to before
me this 26 day of August 1983
Notary Public, Wayne County,
Michigan
My Commission expires, MAY 13, 1985.

UNITED STATES COURT OF APPEALS
FOR THE
SIXTH CIRCUIT

83-5357

WILLIS W. CHAPMAN
Petitioner,

VS

Civil Action No. 80-71597

BANK OF THE COMMONWEALTH
and FORD MOTOR COMPANY'S
LINCOLN-MERCURY DIVISION
Respondents

PROOF SERVICE

STATE OF MICHIGAN)
COUNTY OF WAYNE) SS

LED
MAY 5 2 14 PM '81
CLERK COURT
U.S. DISTRICT COURT
EAST DIST. MICH.

WILLIS W. CHAPMAN, being duly sworn, deposes and says that he is Petitioner, and on 5 MAY 1981, he served a true copy of the Petitioner's NOTICE OF APPEAL upon Bank of Commonwealth's Attorney Matthew A. Seward and address same to 561 East Jefferson Ave. Detroit, Michigan 48226 and address same to Ford Motor Company's Lincoln-Mercury Division Attorney William A. Zolbert, and address same to this address Ford Motor Company, the American Road, Rm. 1092, Dearborn, Michigan 48121 and enclosed same in an envelop and deposit same in the United States Mail with postage fully prepaid.

Dated MAY 5, 1981

Willis W. Chapman
Willis W. Chapman Pro Per
8550 Greenfield Rd. # 14
Detroit, Michigan 48228
313 548-7659 Res.
313 255-6770 Off.

UNITED STATES COURT OF APPEALS
FOR THE
SIXTH CIRCUIT

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HONORABLE AVERN COHN

83-5357

WILLIS W. CHAPMAN
Petitioner

VS

Civil Action No. 80-71597

BANK OF THE COMMONWEALTH
and FORD MOTOR COMPANY'S
LINCOLN-MERCURY DIVISION
Respondents

NOTICE OF APPEAL

WILLIS W. CHAPMAN, the Petitioner above named, hereby
appeals from the final order entered in this cause on
APRIL 6, 1981, whereby it was adjudged that the
Petitioner's cause of action be dismissed, by way of
Respondents ENTRY OF ORDER OF SUMMARY JUDGMENT.

Dated MAY 5, 1981

Willis W. Chapman
WILLIS W. CHAPMAN PRO PER
8550 Greenfield Rd. # 14
Detroit, Michigan 48228
313 584-7659 Res.
313 255-6770 Off.

IN THE
SUPREME COURT OF THE UNITED STATES

NOTICE OF APPEAL FROM UNITED STATES
COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 81-1330

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION.

No. 80-71597

RECEIVED

JUL 21 1983

OFFICE OF THE CLERK
SUPREME COURT, U.S.

82-5357

WILLIS W. CHAPMAN
Plaintiff- Appellant

VS

BANK OF THE COMMONWEALTH and FORD
MOTOR COMPANY'S LINCOLN- MERCURY
DIVISION.

Defendants- Appellees

State of Michigan }
County of Wayne } ss

PROOF OF SERVICE

Willis W. Chapman being dully sworn, deposes and says that he is Appellant, and 18 day of July 1983, he served a true copy of the attached NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES, UPON BANK OF COMMONWEALTH'S ATTORNEY MATTHEW A. SEWARD and address same to 561 East Jefferson Ave. Detroit, Michigan 48226 and address same to FORD MOTOR COMPANY'S LINCOLN-MERCURY DIVISION ATTORNEY WILLIAM A. ZOLBERT, and address same to this address FORD MOTOR COMPANY, THE AMERICAN ROAD, ROOM 1092, DEARBORN, MICHIGAN 48121 and enclosed same in an envelop and deposit same in the UNITED STATES MAIL with postage fully prepaid first class.

Dated
July 18, 1983

Willis W. Chapman

willis w. chapman pro per
8550 Greenfield Rd. #14
Detroit, Michigan 48228
313 584-7659 Res.
313 255-6770 Off.

MY COMMISSION EXPIRES : MAY 19TH, 1983.

NOTARY: *J. Louis Garner*
J. LOUIS GARNER



IN THE
SUPREME COURT OF THE UNITED STATES

NOTICE OF APPEAL FROM UNITED STATES
COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 81-1330

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF MICHIGAN SOUTHERN DIVISION.

No. 80-71597

WILLIS W. CHAPMAN
Plaintiff- Appellant

VS

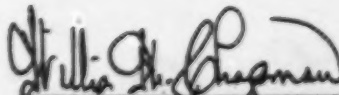
BANK OF THE COMMONWEALTH and FORD
MOTOR COMPANY'S LINCOLN- MERCURY
DIVISION
Defendants- Appellees

82-5357

NOTICE OF APPEAL TO THE SUPREME COURT OF THE
UNITED STATES

Notice is hereby given that Willis W. Chapman, the Appellant above named, hereby appeals to the SUPREME COURT of the UNITED STATES from the final judgment of "MOTION FOR REHEARING IS HEREBY DENIED" entered in this action on July 12, 1983 and hereby Appeals from the final order entered in this cause on April 6, 1981, whereby it was adjudged that the Appellant's cause of action be dismissed, by way of Appellees Entry Of Order Of Summary Judgment.

Dated July 18, 1983



Willis W. Chapman pro per
8550 Greenfield Rd, #14
Detroit, Michigan 48228
313 584-7659 Res.
313 255-6770 Off.

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1983

No. 81-1330
COURT OF APPEALS SIXTH CIRCUIT

No. 80-71597
DISTRICT COURT NUMBER

WILLIS W. CHAPMAN, APPELLANT

V

BANK OF COMMONWEALTH and FORD
MOTOR COMPANY'S LINCOLN-
MERCURY DIVISION; APPELLEES

82-5357
RECEIVED

SEP 1 - 1983

OFFICE OF THE CLERK
SUPREME COURT, U.S.

PROOF OF SERVICE

STATE OF MICHIGAN }
COUNTY OF WAYNE } ss

WILLIS W. CHAPMAN being duly sworn, deposes and says that he is Appellant, and on 26 August 1983 he served a true copy of the attached JURISDICTIONAL STATEMENT UPON BANK OF COMMONWEALTH ATTORNEY MATTHEW A. SEWARD ADDRESS SAME TO 561 East Jefferson Ave. Detroit, Michigan 48226 and address same to FORD MOTOR COMPANY'S ATTORNEY WILLIAM A. ZOLBERT and enclosing same in an envelop address to this address FORD MOTOR COMPANY, THE AMERICAN ROAD, RM. 1092, DEARBORN, MICHIGAN 48121 and depositing same in the UNITED STATE MAIL with postage fully prepaid.

Date 26 August 1983

David G. Smith
Subscribed and Sworn to before
me this 26th day of August 1983
Notary Public, Wayne County
My Commission expires Nov 19, 1985

Willis W. Chapman
Willis W. Chapman pro per
APPELLANT

RECEIVED

AUG 31 1983

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1983

NO. 81-1330
COURT OF APPEALS SIXTH CIRCUIT

NO. 80-71597
DISTRICT COURT NUMBER

82-5357

WILLIS W. CHAPMAN, APPELLANT
VS

BANK OF COMMONWEALTH and FORD
MOTOR COMPANY'S LINCOLN-
MERCURY DIVISION, APPELLEES

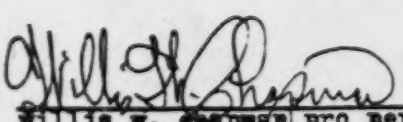
PROOF OF SERVICE

STATE OF MICHIGAN }
COUNTY OF WAYNE } ss

WILLIS W. CHAPMAN being duly sworn, deposes and says that he is Appellant, and on 29 August 1983 he served a true copy of the attached JURISDICTIONAL STATEMENT SUPPORTIVE AFFIDAVIT upon BANK OF COMMONWEALTH'S ATTORNEY MATTHEW A. SEWARD address same to 561 East Jefferson Ave. Detroit, Michigan 48226 and address same to FORD MOTOR COMPANY'S ATTORNEY WILLIAM A. ZOLBERT and enclosing same in an envelop address to this address FORD MOTOR COMPANY, THE AMERICAN ROAD, RM. 1092, DEARBORN, MICHIGAN 48121 and deposing same in the UNITED STATE mail with postage fully prepaid.


Date 29, 1983

Subscribed and sworn to before
me this 29 th day of August 1983
Notary Public, Wayne County
my Commission expires May 19, 1985.


Willis W. Chapman pro per
APPELLANT

FAMILY FINANCIAL STATEMENT
OF
CHAPPY'S SERVICE & SALES , INC.

ASSETS	LIABILITIES
15591 Tuller St. . \$21,300.00	\$8,000.00
8550 Greenfield Rd. #14 \$22,300.00	\$4,000.00
8550 Greenfield Rd. #13 \$21,300.00	\$ 9,000.00
SHAY LAKE PROPERTY \$15,000.00	Free & Clear
7430 Chippewa (repaired) \$23,500.00	" "
TOTAL \$ 103,900.00	\$ 21,000.00
W.W. CHAPMAN'S FAMILY ----- NET WORTH	\$ 82,900.00

AFFIDAVIT OF APPELLANT

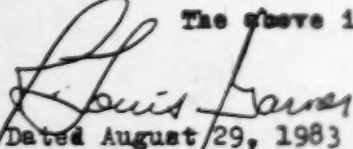
STATE OF MICHIGAN }
COUNTY OF WAYNE } ss

WILLIS W. CHAPMAN, being duly sworn, deposes and says that he is APPELLANT IN CASE NO. 81-1330 APPEAL TO THE SUPREME COURT OF THE UNITED STATES, THAT THIS IS A SUPPORTIVE AFFIDAVIT TO THE JURISDICTIONAL STATEMENT FILED AUGUST 26, 1983, the cause of Action in this case is, "THE REFUSAL TO NEGOTIATE AN OFFER TO PURCHASE (SALE AGREEMENT) and THE REFUSAL TO GIVE EMPLOYMENT APPLICATION by the APPELLEES.

If the APPELLEES had asked for a FINANCIAL STATEMENT they would have found-out there is no bases for SUMMARY JUDGMENT based upon "lacked the requisite qualifications", which is not true.

This FAMILY FINANCIAL STATEMENT, ~~only~~ INCLUDE APPELLANT'S son WILLIS E. CHAPMAN'S*----- NET WORTH also it do not include APPALLANT'S daughter CAROLYN FAYE HARPER'S*-----NET WORTH, it do not include, furs furniture, automobiles, household equipmant, jewelry, it do not include the EDDIE G. BROWN'S *----- NET WORTH who is a member of the CHAPMAN family.

The above is true to the best of the Appellant's knowledge.


Dated August 29, 1983


WILLIS W. CHAPMAN, pro per
APPELLANT

Subscribed and Sworn to before
me this 29th day of August 1983
Notary Public, Wayne County
My Commission expires May 19, 1985.